

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 26, 2012

**Elisabeth A. Shumaker
Clerk of Court**

GORDON TODD SKINNER,

Petitioner - Appellant,

v.

MIKE ADDISON, Warden,

Respondent - Appellee.

No. 12-5150
(D.C. No. 4:11-CV-00382-CVE-TLW)
(N. Okla.)

ORDER

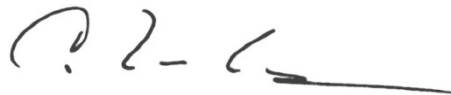
Before **BRISCOE**, Chief Judge, **KELLY**, and **MATHESON**, Circuit Judges.

This appeal was opened based on Mr. Skinner's September 13, 2012 notice of appeal. However, that notice of appeal was filed prior to the district court's ruling on Mr. Skinner's habeas petition. Accordingly, this appeal (12-5150) is premature and this court lacks jurisdiction. This appeal (12- 5150) is DISMISSED. All pending motions filed in 12-5150 are denied.

Mr. Skinner has filed a second notice of appeal (on September 19, 2012) following the district court's September 17, 2012 denial of his habeas petition. Based on that notice of appeal, a new appeal (12-5152) has been opened with this court. Mr. Skinner may present his claims regarding the district court's denial of his habeas petition in his new appeal (12-5152). He will be advised, in the near future, of the due date for his brief and

application for a certificate of appealability in 12-5152. The filing fee (paid on September 19, 2012) will be applied to 12-5152.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'C. Van Coney', with a long horizontal line extending to the right.

by: Christine Van Coney
Counsel to the Clerk